

Appl. No. 09/996,663  
Attr. Docket No. 8794  
Resp. dated 10/07/2003  
Reply to Office Action of July, 8, 2003  
Customer No. 27752

a portion of the body defines a plane whenever the fastener is closed as shown in figure 1. An unnumbered portion of the container extends beyond hinge line 45 of the figures and is coplanar with the fastener. This unnumbered portion is not angled out of the plane of the fastener and is therefore not a ramp extending from the fastener. Figure 2 illustrates components of the fastener. The unnumbered portion is illustrated at an angle to the lid, not at an angle to the fastener. The figure does not teach or suggest a ramp extending from the fastener. Nothing in the reference teaches or suggests a ramp extending from the fastener as claimed in Claims 1-20.

During patent examination, claim terms must be given their broadest reasonable interpretation consistent with the specification and the interpretation that those skilled in the art would reach (MPEP §2111). Applicants submit that the broadest reasonable interpretation of the claim term "ramp" does not include a coplanar surface. Applicants respectfully request that the Examiner provide a source for this interpretation or withdraw the rejection of the claims based upon this reference.

35 USC §102(e) rejection:

The Office action rejects claims 1-5, 19, and 20 under 35 USC §102(e) as anticipated by figure 3 of Randall et al. (U.S. 6,325,239). For the reasons set forth above, Applicants submit that the cited figure and reference do not teach or suggest a ramp extending from the fastener of the container as claimed in Claims 1-5, 19 and 20.

35 USC §103(a) rejection:

The Office Action rejects claims 6-17 and 20 as being unpatentable under 35 USC §103(a) over Randall (U.S. 6,325,239). As set forth above, the Randall reference does not teach or suggest all of the claim limitations of the invention. Specifically, the reference does not teach or suggest a ramp as claimed in Claims 6-17 and 20. As the reference does not teach or suggest all of the claimed limitations of the invention, a prima facie case of obviousness under 35 USC §103(a) has not been established. Applicants request that the rejection be reconsidered and withdrawn.

Double Patenting rejection:

The Office Action provisionally rejects claim 18 under the nonstatutory doctrine of Double Patenting, over claim 14 of copending application No. 09/997,108. Applicants respectfully traverse this rejection. Applicants submit that the cited application and Applicants' application were each filed November 29, 2001. The cited application is therefore not prior art with respect to the current application and may not serve as the

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basis for an obviousness type double patenting rejection. This rejection should be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC §§ 102(a), 102(e), and 103(a), and the nonstatutory double patenting rejection. Early and favorable action in the case is respectfully requested.

Respectfully submitted,

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